

# **WILLIAMSBURG PLANNING COMMISSION MINUTES**

**Wednesday, May 17, 2006**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, May 17, 2006, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 North Boundary Street.

## **CALL TO ORDER and ATTENDANCE**

Vice-Chairman Pons called the meeting to order. Present in addition to Mr. Pons, were Commissioners Kafes, Hertzler, and Rose. Chairman Young arrived late. Absent was Commissioner McBeth. Staff members present were Planning Director Nester, City Attorney Phillips, Assistant City Attorney Workman, and Secretary Scott.

## **MINUTES**

Mr. Hertzler moved that the minutes of the April 19 regular meeting and the April 26 and May 1 work sessions be approved. Mr. Rose seconded the motion which carried by roll call vote of 4-0. Mr. Pons abstained from voting on the April 19 minutes because he was absent from that meeting.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose

Nay: None

Abstain: Pons (April 19)

Absent: McBeth, Young

## **CONSENT AGENDA**

**SPR #06-012: CV Land, LLC, 1301 Garrison Drive – new 6,000 sq. ft. office building. The Commission approved the site plan and landscape waiver with conditions.**

Mr. Hertzler moved that the site plan and landscape waiver be approved conditioned upon the applicant obtaining a right-of-way permit from the City for the proposed work on Mount Vernon Avenue prior to the issuance of any land disturbing or building permits for the project. Mr. Kafes seconded the motion which carried by roll call vote of 4-0.

Recorded vote on the motion:

Aye: Pons, Hertzler, Kafes, Rose

Nay: None

Absent: McBeth, Young

## **PUBLIC HEARINGS**

**PCR #06-010: Request of Bina Thakkar to amend Chapter 21, Zoning, of the Williamsburg City Code, by revising Division 9. Tourist Business District B-2, Sec. 21-324(4.1) to allow an employer to lease rooms for employees only from an existing hotel or motel with a special use permit, and with a minimum of 10 rooms leased and a maximum of not more than 50 percent of the total number of rooms in the hotel or motel. The Commission recommended approval with changes to the amendment.**

**PCR #06-011: Request of Busch Entertainment Corp. for a special use permit to lease 20 rooms in the Econo-Lodge Motel at 442 Parkway Drive to house 80 Russian students (four students per room) to work at Water Country, U.S.A., from May 15, 2006 through September 30, 2006. This property is zoned B-2 Tourist Business District. The Commission recommended approval with conditions.**

Mr. Nester stated that the two requests noted above are related and will be presented and discussed simultaneously. He said that the requests are for the purpose of allowing 20 rooms in the Econo-Lodge Motel at 442 Parkway Drive to be leased to Busch Entertainment Corporation to house 80 Russian students (four per room) to work at Water Country, U.S.A., from May 15, 2006 through September 30, 2006. The applicant has agreed to use 20 rooms at the "front side" of the motel closest to Capitol Landing Road, which is the portion of the motel that is furthest away from the single family neighborhood on the other side of Parkway Drive (Haynes Drive and Forest Hills Drive area).

Mr. Nester said that the Zoning Ordinance text is proposed to be amended to allow housing employees in a leased facility, rather than an employer owned and operated facility as is the case with the International Housing Village across the street. The proposed change requires that employees using the leased facility must work at least 20 hours per week for the employer, that a minimum of 10 rooms must be leased, and that not more than 50 percent of the total number of rooms may be leased by the employer. It is also proposed that only one employer may lease rooms at an individual hotel or motel, and that an on-site supervisor be required to live on premises, or within 500 feet of the premises, during the term of the lease of the rooms. If adopted, this change, which requires a special use permit, would apply in all B-2 Districts (Capitol Landing Road, York Street, Richmond Road west of Ironbound Road, and the Jamestown Road/Route 199 intersection).

Mr. Nester presented the staff recommendations: (1) that Planning Commission recommend to City Council that the text amendment to Sec. 21-324(4.1), Rooming facilities for employees only, be approved as detailed in the attached ordinance; and (2) that Planning Commission recommend to City Council that the special use permit be approved to allow Busch Entertainment Corporation to lease 20 rooms in the Econo-Lodge at 442 Parkway Drive to house 80 Russian students (four per room) to work at

Water Country, U.S.A., from May 15, 2006 through September 30, 2006, contingent upon the following:

1. The special use permit is valid only until September 30, 2006.
2. All students shall be housed in the front portion of the motel closest to Capitol Landing Road.

Mr. Pons said he will abstain from voting on the requests due to his business relationship with the applicant.

[Chairman Young arrived.]

Mr. Kafes asked if there has been a fiscal impact analysis on the requests and Mr. Nester responded that there has not.

Chairman Young opened the public hearing.

David Otey, representing applicants Busch Entertainment and Bina Thakkar, complimented Mr. Nester for his excellent job in presenting the requests. In response to Mr. Kafes' query regarding the size of the rooms to be leased and whether full use of the facilities will be granted, Mr. Otey said the rooms are approximately 12 x 20. The lessees will not have use of the facilities at the Econo-Lodge, but will be able to use all facilities at the International Housing Village across the street. He noted that many of the students work late and have second jobs, so traffic back and forth from the Econo-Lodge to the Village should not be too heavy.

In response to Mr. Rose's question of the age of the proposed lessees, Mr. Otey said the average age is about 22 years. Mr. Otey added strict rules will be enforced at the motel with any violation jeopardizing their jobs.

**David Bryhn** stated that he owns a couple of small motels in Williamsburg and noted he believes there will be an increase in the numbers of this type of request. He asked if they will be paying taxes as well as the \$2 per night fee. Mr. Nester said they will be paying the lodging tax, 5% of which goes to the City. City Attorney Phillips added that the City is not involved in the state sales tax and the lessees are exempt from the \$2 per night fee since that fee is determined by the length of stay.

Mr. Bryhn said he would like to have the same arrangement at his motels and asked how it works with lessees and vacationers in the same facility. He expressed his belief that it would be better if the lessees and tourists are not in the same facility and asked if the lessees could fill all the rooms. Mr. Nester responded that the Zoning Ordinance does not allow motels to be operating as a rooming house, so the use of all the rooms for lessees could occur only if an employer owned the facility and wished to lease the rooms to his employees. Mr. Bryhn stated the leasing of rooms would be a great use of the older motels in town.

**Art Ricker** asked who decided the applicant would be exempt from the \$2 per night fee and Mr. Young reiterated the fee is based on the person's length of stay. Mr. Phillips added that it falls under the same tax statute as the International Housing Village.

**Ginger Crapse** stated that she has worked at the Residence Inn on Richmond Road and when registering visitors, collected the \$2 per night fee. She questioned the exemption and noted that even military personnel don't receive the exemption.

There being no additional comment the public hearing was closed.

Commission discussion included:

- (Kafes) With due respect, this is a bad idea. The real issue is whether this use is desirable in the City of Williamsburg. Is it compatible with encouraging visitors to return? Four people in a room, with only about 60 square feet allowed per person, is unhealthy. With the loss of seasonal residents' patronage, there could be an adverse effect on other businesses. Lower room tax revenue also. May be a good idea to turn older motels over 100% to seasonal workers.
- (Hertzler) Could it be required that a motel lease all its rooms or none of its rooms for the seasonal workers? (Nester) Possible with a wording modification, however the special use permit wouldn't meet the Zoning Ordinance if amended as described.
- (Hertzler) These folks would not be tourists and the \$2 per night fee is meant to be reinvested in advertisement to foster tourism....why should this group of seasonal workers have to pay that fee?
- (Rose) Couldn't the Ordinance be circumvented by moving from one motel to another? It would be better if they were all at one location. At least with this proposal there would be rules and regulations enforced. (Nester) Yes, one could move from facility to facility for 30 days at a time.
- (Kafes) We need to be concerned with the tourist experience and having tourists and workers in the same facility would be detrimental to that experience.
- (Hertzler) Suggest the proposal be approved since it is for only one year during which time the arrangement can be evaluated for its impact on not only the community but also tourism. (Kafes) Need to focus on Zoning Ordinance amendment and it has no stated time limit. There should be a fiscal impact analysis to ascertain the impact approval of the proposal would have on related tourism and local businesses. In response to audience member Crapse' remark that these workers should pay the \$2 per night fee, he suggested that the option is open for an employer to buy a facility and use it for his seasonal employees.

Mr. Kafes moved that both the text amendment and the special use permit be denied and that the issue be further considered in the context of the Comprehensive Plan.

The motion died due to lack of a second.

Commission discussion continued:

- (Rose) Although Mr. Kafes has expressed a valid concern, currently there is a pressing need for the housing and with the proposed rules and policing, this may be the best solution for the short term and would also allow further consideration of the proposal in the context of the Comprehensive Plan.
- (Kafes) Reiterated that it is not a good idea to keep changing the Ordinance; any change needs to be thought out carefully.

In response to Commissioners' request for appropriate wording, City Attorney Phillips suggested the removal of the 50% limit for room lease and replacement with the maximum number allowed as stated in the Special Use Permit. He also suggested the minimum of 10 rooms remain.

Mr. Hertzler moved that **PCR #06-010**, to recommend to City Council that the text amendment to Sec. 21-324(4.1), Rooming facilities for employees only, be approved with the wording suggested by Mr. Phillips.

Mr. Rose seconded the motion which carried by roll call vote of 3-1-1.

Recorded vote on the motion:

Aye: Hertzler, Rose, Young

Nay: Kafes

Abstain: Pons

Absent: McBeth

Regarding **PCR #06-011**, Mr. Hertzler moved that Planning Commission recommend to City Council that the special use permit be approved to allow Busch Entertainment Corporation to lease 20 rooms in the Econo-Lodge at 442 Parkway Drive to house 80 Russian student (four per room) to work at Water County, U.S.A., from May 15, 2006 through September 30, 2006 contingent upon the following:

1. The special use permit is valid only until September 30, 2006.
2. All students shall be housed in the front portion of the motel closest to Capitol Landing Road.
3. Payment of the transient lodging tax as noted in the agreement contained in the letter from Mr. Otey of May 12, 2006.

Mr. Rose seconded the motion which carried by roll call vote of 3-1-1.

Recorded vote on the motion:

Aye: Hertzler, Rose, Young

Nay: Kafes

Abstain: Pons

Absent: McBeth

## **OPEN FORUM**

Chairman Young opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

**Ginger Crapse** spoke in support of Bed & Breakfast establishments, stating they are wonderful neighbors who keep their property in lovely repair. She asked that the City give more attention to rental properties and the student housing problem. Many of the rental properties have many more than the three unrelated persons allowed by the Zoning Ordinance. She said that when questioned, the people say they are only “visiting”, but it’s obvious to neighbors that they are staying there. Mrs. Crapse said the City does nothing to remedy the problem, and in fact City staff members have remarked that there is nothing that can be done.

Mr. Phillips responded that nobody has said there is nothing that can be done; it is an issue of proof and the City cannot watch rental properties day and night. He recommended that Mrs. Crapse talk with Zoning Administrator Murphy upon her return from vacation. Mrs. Murphy will then pursue the issue with the City Attorney or the Assistant City Attorney. The City of Williamsburg does not say the rules are unenforceable.

Mrs. Crapse said the City does not have enough personnel. She said the noise and beer bottles around the student rentals creates a dangerous situation and in fact, her ten year old son fell on some cut glass from the rental property in her neighborhood.

**Tom Patton**, 505 Capitol Court, stated that he also had heard staff state at a Planning Commission meeting that there was nothing that could be done regarding the student rental regulations being violated.

There being no further comment from the audience the Open Forum was closed

## **SITE PLANS AND SUBDIVISIONS**

SPR #06-012: CV Land, LLC, 1301 Garrison Drive – new 6,000 sq. ft. office building. Approved with conditions under the consent agenda.

**OLD BUSINESS** - None

## **NEW BUSINESS**

**PCR #06-014: Review of Chapter 21, Zoning, of the Williamsburg City Code, Sec. 21-605, Rental of bedrooms in single-family detached dwellings to roomers and visitors. The Commission scheduled a public hearing for the June 14, 2006 meeting.**

Mr. Nester stated that City Council referred the review of regulations for Bed & Breakfast uses to Planning Commission. The present regulations were adopted in February 1996.

After Planning Commission members discussed different options for the regulations they decided to schedule a public hearing for the regular Commission meeting on June 14. The public hearing will be to hear citizen comment particularly on: (1) Should the quotas that limit the maximum number of Bed & Breakfast establishments on specific corridors be modified; (2) Should the maximum number of rooms allowed for a Bed & Breakfast establishments be increased from the current limit of four rooms; and (3) Should the use of accessory buildings for living quarters for the owners and/or for Bed & Breakfast rooms (currently prohibited in all residential districts) be allowed?

**OTHER** - None

**INFORMATION ITEMS**

Report from City Council  
Planning Department Monthly Report  
Monthly Financial Statement

There being no further business the meeting adjourned at 6:00 p.m.

Jesse Young, Chairman  
Williamsburg Planning Commission

**PUBLIC HEARINGS SCHEDULED FOR JUNE 14, 2006**

**PCR #06-012:** Request of Verizon Wireless, Inc. for a special use permit to move an existing high-tension utility pole located at 2229 Richmond Road (Sno-to-Go) 35 feet further back from Richmond Road and increase its height by 10 feet. It is proposed to install antennas for wireless communications on this utility pole, which is permitted by right in the B-2 District. The moving of the utility pole, however, requires a special use permit.

**PCR #06-015:** Request of The Colonial Williamsburg Foundation to amend Chapter 21, Zoning, of the Williamsburg City Code, by revising Article VI. Signs, by adding provisions allowing additional monument signs for a regional visitor center (Sec. 21-747(10)). It is proposed to erect two 75 square foot monument signs for the Colonial Williamsburg Visitor Center at its entrance on Visitor Center Drive (Rt. 132Y).